

Translation

PATENT COOPERATION TREATY

PCT/DE2003/003962



PCT

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference T 44510WO/70/hs | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/DE2003/003962 | International filing date (day/month/year) 02 December 2003 (02.12.2003) | Priority date (day/month/year) 09 December 2002 (09.12.2002) | |
| International Patent Classification (IPC) or national classification and IPC B29C 49/38 | | | |
| Applicant UNICOR GMBH RAHN PLASTMASCHINEN | | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 04 May 2004 (04.05.2004) | Date of completion of this report 02 August 2004 (02.08.2004) |
| Name and mailing address of the IPEA/BP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2003/003962

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☒ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 4-6 _____, as originally filed/furnished
- pages* _____ 1, 2, 3, 3a _____ received by this Authority on _____ 23 June 2004 (23.06.2004)
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1, 2 _____ received by this Authority on _____ 23 June 2004 (23.06.2004)
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/3-3/3 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1, 2 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1, 2 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1, 2 | YES |
| | Claims | | NO |

2. Citations and explanations**1. Reference is made to the following document:**

D1: US-A-3280430.

2. The following observations are made with reference to PCT Article 33.

2.1 The prior art document D1 (see the description, column 2, lines 29-44, and figure 1) discloses a device for producing pipes having transverse ribs, using mould half shells (38, 38a) which contact each other and are continuously moved along two continuous guide tracks by means of drive devices, one of these being assigned to each shell, wherein the two guide tracks have a shared moulding path, one return path each and two deflection paths each, wherein the relevant deflection path has a deflection element (16, 17, 23, 24) which has a curved guide edge (circumference of the "sprocket wheel") for the mould half shells (38, 38a), is guided such that it can be displaced linearly along a base element (12) fixed to the machine (see figure 1), and is connected to a compensation device (see column 4, lines 34-44) which is able to compensate a

tolerance play along mould half shells continuously moving along the corresponding guide path, from which the subject matter of claim 1 differs in that the relevant deflection element is made of a low-wear plastic material and the tolerance play is dependent on the temperature and/or the speed of the mould half shells, the relevant deflection element has a clothoid-type guide edge for the corresponding mould half shells and the compensation device has an air spring which can be impinged upon by compressed air.

The subject matter of claim 1 is therefore novel and satisfies PCT Article 33(2).

The object of claim 1 is therefore understood to be that of preventing a manual adjustment of the deflection element to adjust to the prevailing operation conditions (see page 2, lines 18-21, of the application).

The available prior art offers nothing to suggest the features of the characterizing part "the relevant deflection element is made of a low-wear plastic material and the tolerance play is dependent on the temperature and/or the speed of the mould half shells, the relevant deflection element has a clothoid-type guide edge for the corresponding mould half shells and the compensation device has an air spring which can be impinged upon with compressed air". Consequently, the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).

3. Claim 2 is dependent on claim 1 and therefore likewise meets the PCT requirements for novelty and

inventive step.

4. On page 2, line 1, of the description, the publication number of the document cited is incorrect. The correct publication number is US-A-3280430.